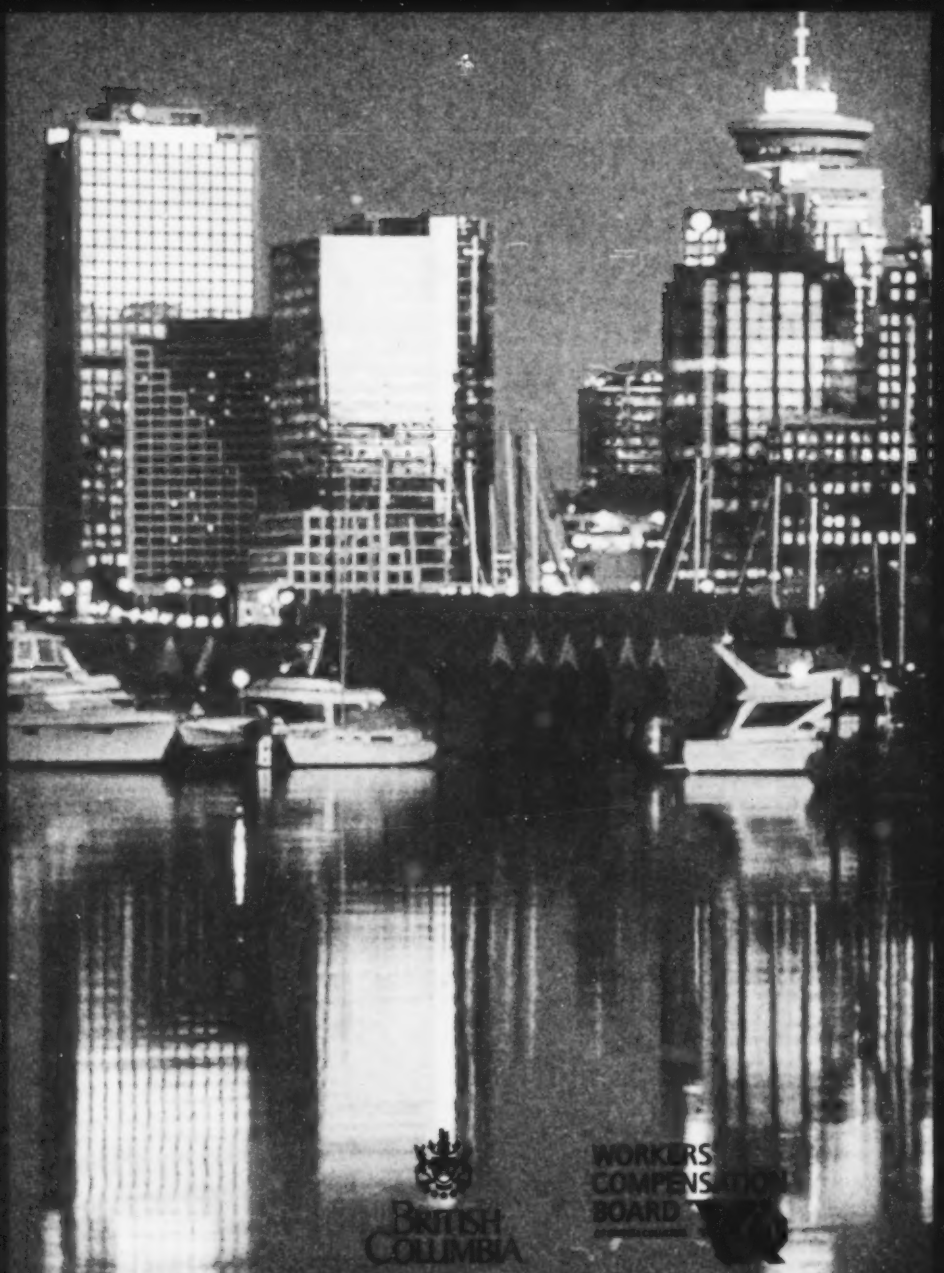
Criminal Injury Compensation Program

Report 2002



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Mission statement

Our society has a responsibility to assist innocent victims of crime. The Criminal Injury Compensation Program (CICP) represents an acceptance of society's obligation to help those harmed by crime and serves to recognize the wrong done to victims by easing their financial hardship.

Goals for 2003

The transition to the new Crime Victim Assistance Program (CVAP) is expected to be complete by March 31, 2003, after which the Criminal Injury Compensation Program will cease to exist.

The Workers' Compensation Board is working closely with the Ministry of Public Safety and Solicitor General in order to ensure a smooth transition to the new victim assistance program.

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Fair, impartial, and responsive service

Last year was one of significant change for victims of crime in British Columbia. It saw crime victim services begin the transition from the Criminal Injury Compensation Program (CICP), administered by the Workers' Compensation Board, to the Crime Victim Assistance Program (CVAP), administered by the Ministry of Public Safety and Solicitor General.

The CICP stopped accepting new applications on June 29, 2002, but will continue to adjudicate applications already in the system on that date. This complex task, requiring knowledge and sensitivity, continues as the CICP staff work through the remaining caseload and assist with the program's transition to the CVAP.

My thanks go to the CICP staff and management for the diligence and dedication they bring to the administration of this program.

Throughout the remaining period of transition, the CICP will continue to provide fair, impartial, and responsive service to victims of crime.

Agency responsible for administering the Act.

Maureen Nicholls,
Chair, WCB Panel of Administrators

Meeting the needs of victims of crime

The new *Crime Victim Assistance Act* came into force on June 30, 2002 restructuring benefits available to victims of crime and transferring program administration from the Workers' Compensation Board to the victim services division of the Ministry of Public Safety and Solicitor General.

This allows us to align financial assistance, information and support services with the ministry's extensive network of programs to better meet the needs of victims of crime.

On behalf of the ministry I would like to extend my appreciation to management and staff of the Criminal Injury Compensation Program for their commitment and dedication to victims of crime.

R.T. (Rich) Coleman
Solicitor General

Under the jurisdiction of the Ministry of Attorney General, the Workers' Compensation Board began administering the Criminal Injury Compensation Program (CICP) in 1972, when the *Criminal Injury Compensation Act* was passed. The CICP acknowledges the harm done to victims of crime by providing monetary awards to help ease their financial hardship and other benefits to help them heal from physical injury and psychological trauma.

In August 2001, the B.C. government passed Bill 24, the *Crime Victim Assistance Act*, to replace the *Criminal Injury Compensation Act*. In April 2002 the government introduced legislation as an interim measure to ensure the existing *Criminal Injury Compensation Act* is consistent with the *Crime Victim Assistance Act* by eliminating pain and suffering awards. Compensation for pain and suffering is no longer awarded for applications received on or after April 16, 2002.

Effective June 30, 2002, the Crime Victim Assistance Program (CVAP), administered by the victim services division of the Ministry of Public Safety and Solicitor General, replaced the CICP. The CICP continues to adjudicate applications received on or before June 29, 2002. Applications received after that date are now adjudicated by the CVAP.

Adjudicating claims and awarding compensation to victims of crime is a complex responsibility that requires a balance of compassion and discernment. During the transition to the CVAP, the CICP will continue to provide service that is sensitive and responsive to the changing needs of victims.

Examples of allowed claims

Drive-by mischief

Incident: A 19-year-old man was injured when a Molotov cocktail was thrown from a passing car, striking an electrical pole.

Claim and assessment: The victim received first- and second-degree burns to the face, including his inner mouth. The wounds healed within several months with no permanent scarring.

Award: $1,500.00 for pain and suffering and $73.80 for loss of wages.

Assault with a sledgehammer

Incident: A police officer was struck with a sledgehammer in the course of his employment.

Claim and assessment: The victim suffered a fracture to the right ankle, requiring surgical reduction and internal fixation. He suffered swelling and pain for several months and was unable to bear weight without a crutch until two months after the assault. He recovered approximately 80 percent of his normal range of motion in the ankle.

Award: $4,000.00 for pain and suffering.

Assault with a knife

Incident: A 24-year-old man was stabbed repeatedly with a knife.

Claim and assessment: The victim received a total of six stab wounds to the small bowel, which required surgical repair. He also suffered a radial nerve injury to the left hand and arm. The victim was seen by a CICP medical advisor who recommended an assessment of any remaining permanent functional impairment in approximately one year.

Award: $5,000.00 for pain and suffering and $60.00 for clothing damage. Provision was made for future review of the claim on the basis of new medical information.

Home invasion and assault

Incident: A 47-year-old woman was threatened, punched, and kicked by a male acquaintance who had gained entry into her home.

Claim and assessment: The victim suffered extensive bruising over her body, particularly in the areas of the left breast, right loin, and lower back. There was also considerable anxiety and depression for which she was prescribed medication. She suffered from panic attacks for some time, which gradually resolved.

Award: $2,450.00 for pain and suffering with provision for 12 psychotherapy sessions.

Administration of drugs to perpetrate sexual assault

Incident: An application was made on behalf of an 18-year-old female in relation to an incident occurring when she was between five and six years old. The victim was provided with drugs and alcohol by an adult offender in order to perpetrate a sexual assault including fondling.

Claim and assessment: There were no physical injuries. The victim suffered mental and emotional trauma.

Award: $4,200.00 for pain and suffering plus provision for 24 counselling sessions.

Assault by a young child

Incident: A five-year-old girl was accosted, threatened, and had her pants pulled down to her knees by an eight-year-old boy.

Claim and assessment: There was no physical injury. The victim suffered emotional upset.

Award: $1,000.00 for pain and suffering plus provision for 24 counselling sessions. (The *Criminal Injury Compensation Act* defines an offender as someone who intended an act or omission that caused injury for which compensation is payable, even if the person is for any reason legally incapable of having a criminal intent).

Application by immediate family member of deceased victim

Incident: A 66-year-old male victim was stabbed to death during an attempted robbery at his residence. His daughter applied for criminal injury compensation.

Claim and assessment: The applicant suffered extreme mental and emotional trauma, heart palpitations, and digestive problems due to grief relating to the loss of her father. She was unable to work for a number of weeks.

Award: $6,847.05 for funeral and related costs (the maximum payable at the time of decision), and $5,000.00 for pain and suffering due to post-traumatic stress as a consequence of the death.

Sexual assault by family doctor

Incident: A 36-year-old female was subjected to inappropriate sexual advances including comments and touching by a physician to whom she had gone for medical treatment. Disciplinary action was undertaken by the College of Physicians and Surgeons.

Claim and assessment: While there were no physical injuries, the victim suffered severe mental and emotional trauma, aggravated by the fact that she experienced sexual abuse during her childhood.

Award: $10,000.00 for pain and suffering, including recognition of aggravation of a pre-existing trauma.

Attempted purse snatching

Incident: A 53-year-old woman was approached by an unknown male who attempted to grab her purse. A struggle ensued and the offender fled.

Claim and assessment: The victim suffered a scrape and bruise to her left wrist.

Award: $500.00 for pain and suffering.

Assault in a motor vehicle

Incident: While driving a male youth home in her car, the 41-year-old victim was suddenly grabbed and fondled. A struggle ensued and she was punched repeatedly in the face.

Claim and assessment: The victim suffered a non-displaced nasal fracture, multiple bruises of the face, and headaches. Considerable nasal swelling required treatment with ice packs. She suffered from anxiety and insomnia and was unable to work for a month.

Award: $2,000.00 for pain and suffering and $938.00 for loss of wages, plus provision for 24 counselling sessions.

Robbery at work

Incident: The victim was working as a baker at a restaurant when pepper-sprayed in the face, tied with duct tape, and robbed.

Claim and assessment: The victim suffered neck, back, and shoulder pain, and anxiety symptoms. Emotional trauma persisted and the victim was referred to a psychiatrist.

Award: $1,750.00 for pain and suffering (when someone is criminally injured on the job, compensation is payable only for pain and suffering as they are also entitled to workers' compensation benefits).

Victim partially responsible for event

Incident: A 23-year-old man was accosted in a bar and responded by punching the offender in the face. Later, the victim was approached outside of the bar, pepper-sprayed, and assaulted with a knife.

Claim and assessment: The victim received treatment for a superficial laceration to the left arm and a deep laceration of the left hand.

Award: $1,000.00 for pain and suffering (the award was reduced by 50 percent due to the victim's contribution to the event in which he was injured).

Threats and criminal harassment by former boyfriend

Incident: A 27-year-old woman was repeatedly threatened and stalked by her former boyfriend for a period of several months.

Claim and assessment: The victim suffered abdominal pain and headaches brought on by stress and fear of the offender.

Award: $1,500.00 for pain and suffering and $1,230.00 for lost wages, plus provision for counselling.

Assault with a toxic chemical

Incident: The 31-year-old victim was assaulted by an acquaintance who threw a cup of ammonia in the victim's face.

Claim and assessment: The claimant suffered severe alkali burns to both eyes and required ongoing care with eyedrops in addition to other medication.

Award: $1,500.00 for pain and suffering and $30.00 for damaged clothing, plus provision for counselling.

Robbery with threat of violence

Incident: A 14-year-old boy was approached, shown a knife tucked into the waistband of the offender's pants, and robbed of his shoes.

Claim and assessment: There were no physical injuries and the victim did not seek psychological treatment.

Award: $250.00 for pain and suffering (in the absence of any medical or psychological information).

Domestic assault

Incident: A 37-year-old woman was assaulted by her husband who kicked her left leg, upper left arm, and left eye.

Claim and assessment: While there were no apparent injuries to the leg or arm, there was obvious bruising around the left eye. While a claim was made for dental trauma, investigation found that dental injuries were not received due to the assault.

Award: $800.00 for pain and suffering. A claim for moving expenses following the event, incurred as a preventive measure, was refused (moving costs can be accepted only in exceptional circumstances, when there is medical information to support that such an expense was necessary for the victim's recovery).

Apprehension of a burglar

Incident: While running after a burglar who had broken into his home, a 34-year-old man received injuries. He was able to catch the suspect and detain him for police arrest.

Claim and assessment: The victim received significant abrasions and lacerations to his bare feet. He also suffered anxiety upon learning that the suspect was HIV positive. Subsequent tests were negative in relation to the victim.

Award: $1,000.00 for pain and suffering, $351.00 for loss of wages, and provision for 12 counselling sessions.

Victim of child abuse

Incident: A 25-year-old man made an application with respect to physical abuse by a female family member when he was between one and three and a half years old.

Claim and assessment: The victim suffered multiple incidents in which he was physically assaulted and abused, resulting in multiple bruises, abrasions, lacerations, a significant lip injury resulting in scarring, and a right clavicle fracture.

Award: $5,000.00 for pain and suffering and provision for 24 counselling sessions.

Attempted abduction

Incident: A 14-year-old girl was standing at a bus stop when she was approached by an unknown male who attempted to pull her into the minivan he was driving. She reacted defensively and fought, breaking his grip and running away from the scene.

Claim and assessment: There were no significant physical injuries, although the victim was badly shaken by the experience.

Award: $2,500.00 for pain and suffering, $20.00 for clothing damage, and provision for 18 counselling sessions.

Needle used as a weapon

Incident: A 41-year-old security guard was approached by a male suspect and stabbed with a needle in the left forearm.

Claim and assessment: The victim was treated for a puncture wound and required anti-retroviral medication for a month.

Award: $1,500.00 for pain and suffering.

Sexual abuse of teen

Incident: An application was made on behalf of an 18-year-old victim in relation to several incidents of sexual abuse by an adult male when the victim was between 13 and 14 years old.

Claim and assessment: There were no physical injuries. The victim suffered mental and emotional trauma.

Award: Provision was made for 24 counselling sessions (no pain and suffering award was granted as the *Criminal Injury Compensation Act* was amended on April 16, 2002, eliminating such awards in relation to claims received by the CICP after that date).

Punched and kicked in assault

Incident: A 41-year-old man applied in relation to a physical assault during which he was punched and kicked by another man.

Claim and assessment: The applicant was seen at a hospital emergency ward with facial pain around his nose and dental damage, including several fractured teeth.

Award: $1,169.50 plus laboratory fees for dental repairs and $60.00 for clothing damage (no pain and suffering award was granted as the *Criminal Injury Compensation Act* was amended on April 16, 2002, eliminating such awards in relation to claims received by the CICP after that date).

Unlawful confinement

Incident: A 26-year-old man was visiting with friends at a residence when two armed men entered the premises. The victim was bound and therefore confined during the incident. The intruders shot a male friend of the applicant.

Claim and assessment: The victim was not injured physically, although he did suffer mental and emotional trauma.

Award: Provision was made for counselling sessions (no pain and suffering award was granted as the *Criminal Injury Compensation Act* was amended on April 16, 2002, eliminating such awards in relation to claims received by the CICP after that date).

Assault near a school

Incident: Application was made on behalf of a 15-year-old boy who was physically assaulted by a group of unknown males near a school.

Claim and assessment: The victim suffered multiple soft-tissue injuries to the head, ribs, and left knee. He also lost three front teeth and suffered emotional trauma.

Award: $2,416.00 for dental repairs to be paid upon completion of dental work and provision for 12 counselling sessions (no pain and suffering award was granted as the *Criminal Injury Compensation Act* was amended on April 16, 2002, eliminating such awards in relation to claims received by the CICP after that date).

Examples of disallowed claims

Non-cooperation with police

Incident: A 39-year-old man sought compensation for injuries he alleged to have received when attacked by an unknown person. Police were contacted by the hospital; however, the applicant refused any police assistance and would not provide a statement or any details. Police investigation was therefore concluded. Hospital records stated that the applicant was an abuser of illicit drugs.

Assessment: Due to a complete lack of cooperation on the part of the applicant, there was no police investigation to assist in determining exactly how the applicant received his injuries. There was an indication that the applicant was withholding information and that the event likely involved the illicit drug trade. In light of this factor, as well as the complete lack of information concerning the event, the applicant was not entitled to an award of compensation.

Accidental touching

Incident: A woman applied for compensation alleging that her biological father had touched one of her breasts while she was breast-feeding. No charges were pursued and there were no witnesses to the alleged event.

Assessment: Available information indicated that the event involved an accidental touching rather than any deliberate sexual offence. Compensation is payable by the CICP only in circumstances in which there is evidence that a criminal offence has been committed; therefore, no award was payable.

Dog bite not a criminal offence

Incident: A 64-year-old woman was bitten by a German shepherd, which was one of five dogs being walked by the owner. No charges were laid, as the dog owner was well known to members of the community as regularly walking her dogs without any prior complaint.

Assessment: This was an accidental injury. There was no evidence that the dog owner had been criminally negligent or that she had been previously aware that the dog might bite someone. There was insufficient evidence that the applicant was a victim of crime within the meaning of the Act.

Loss of personal possessions

Incident: A 28-year-old woman alleged to have lost personal property after being evicted from rental premises in which she and her roommate had lived. The owners of the home had discovered a marijuana grow operation and called police. The applicant was then escorted from the residence.

Assessment: Criminal injury compensation is payable only with regard to 56 Criminal Code offences listed in a schedule under the *Criminal Injury Compensation Act*. This event did not fall under any of the 56 offences and, in any event, compensation is not payable for lost possessions. The applicant was not a victim of crime within the meaning of the Act.

Injury a hazard of employment

Incident: A 46-year-old police officer received a fractured ankle while jumping through a hedge in pursuit of a suspect on foot. The injury was further aggravated by the applicant continuing to pursue the suspect for an additional mile after he was hurt.

Assessment: The applicant's injury was received due to a hazard of his employment rather than the commission of a specific crime against him. The case did not involve an assault of a peace officer. Accordingly, he was not entitled to compensation as a victim of crime within the meaning of the Act.

Contribution as the aggressor

Incident: A 34-year-old man alleged that he was attacked for no apparent reason and punched in the face. No criminal charges were laid.

Assessment: Police investigation determined that the applicant had gone to a pizza shop owned by the alleged offender, asking to borrow money for a slice of pizza. When the owner refused, the applicant left. On the following day the applicant approached the owner and after confronting him, punched him in the face. The owner then retaliated, injuring the applicant. The applicant was not entitled to compensation as he was the aggressor and by his own behaviour instigated the incident.

Disciplinary action or criminal conduct

Incident: A woman applied on behalf of her six-year-old child, alleging physical abuse by the child's father. The alleged offender died before a police investigation was completed, however, it was determined that the child had been struck on the hand once with a walking cane as a disciplinary measure.

Assessment: While the action of the alleged offender in striking the child with the cane was perhaps inappropriate, there was a lack of evidence that the event was criminal in nature, or that the child's father had any intent to inflict injury. It was considered to be more likely than not that the action amounted to inappropriate discipline as opposed to a criminal assault. No compensation was therefore payable.

Spousal assault unfounded

Incident: A 49-year-old woman alleged to have been assaulted by her husband. While a charge of assault was initially laid, a stay of proceedings was later entered by Crown Counsel.

Assessment: The applicant had first thrown a bottle at her husband and forcefully pushed him backwards, almost causing him to fall out a window. Subsequently, as he was leaving the residence, a verbal confrontation continued and the husband fell on top of the applicant. This was an accident. There was no indication that her husband had any intent to injure her and any injury she did receive was by accidental means due to her own aggressive behaviour. No award was payable.

One person's word against another's

Incident: A 40-year-old applicant alleged that she was the victim of a sexual assault by her dentist from 1974 to 1977. The applicant went to this dentist from 1965 to 1988. The complaint was lodged with the police in 2000.

Assessment: The alleged offender adamantly denied the allegations and none of the witnesses named by the applicant were able to corroborate the allegations. The case was determined to be one person's word against another's. There was insufficient basis on which to conclude that the applicant was a victim of crime.

Hit-and-run motor vehicle accident

Incident: A 38-year-old woman alleged to have been injured in a hit-and-run motor vehicle accident.

Assessment: Criminal injury compensation is payable only in circumstances involving a motor vehicle if that vehicle was used as a weapon of assault. There was insufficient evidence that the event involved an assault as opposed to an accident. In addition, if the applicant was entitled to benefits from the Insurance Corporation of British Columbia under the hit-and-run provisions of the *Insurance (Motor Vehicle) Act*, which exceed the benefits payable under the criminal injury compensation legislation, no entitlement would arise under the criminal injury statute.

No recollection of assault

Incident: A 26-year-old male alleged that he was physically assaulted, but had no recollection of the assault, including the time or place of the incident. He did not report the incident to the police for over two weeks.

Assessment: The police believed that the applicant had not made a full disclosure of the circumstances surrounding the incident and that his allegation of no recollection was suspect. As there was little or no information as to how the applicant was injured, there was insufficient basis on which to conclude that he was a victim of crime under the Act.

Alleged sexual assault

Incident: A 43-year-old woman alleged that she was sexually assaulted by a male co-patient at a psychiatric centre. The matter was not reported to the police until three and a half years later. No criminal charges were laid.

Assessment: Medical records of the psychiatric facility determined that the applicant had engaged in consensual sexual relations with the alleged offender shortly after her admission. The evidence indicated that no offence had been committed in view of the consensual nature of the act. No award was made.

Drug-related home invasion

Incident: A 48-year-old applicant answered a knock at the door of a residence and was attacked and struck several times by a male intruder with a baseball bat. The police determined that the applicant and others had consumed an amount of illicit drugs prior to the arrival of the offender.

Assessment: The offender was known to the applicant, and he had gone to the residence specifically in connection with illicit drugs and an alleged drug rip-off, in which an amount of drugs had gone missing. This entire incident arose in connection with the illicit drug trade. Criminal injury compensation is publicly funded and compensation will not be paid in respect of victimization arising in connection with the illicit drug trade.

Applicant the aggressor

Incident: A 42-year-old man alleged that he was physically assaulted by a male acquaintance. Both men had been drinking alcohol and a dispute arose over the use of a pool table. The applicant then challenged the other man and others to a fight. The alleged offender advised that he punched the applicant in self-defence. The alleged offender was acquitted of a charge of assault.

Assessment: The applicant's challenge to others for a fight made physical injury inevitable. Compensation was not payable in view of the applicant's own contribution to his injuries.

Alleged threats by former boyfriend

Incident: A 32-year-old woman alleged that her former boyfriend came to her place of employment and uttered threats of violence and death. A charge of uttering threats was laid; however, a stay of proceedings was later entered by the Crown Counsel.

Assessment: The applicant and the alleged offender had been involved in a volatile long-term relationship. Subsequently, each alleged that the other had harassed him or her. There was also evidence that the applicant had in fact stalked and pursued the alleged offender on a number of occasions. There was insufficient basis on which to conclude that the applicant was a victim of crime, whereas there was evidence that at certain times she was the perpetrator of the same kinds of acts she had complained of in making application for compensation.

Not a scheduled offence

Incident: A 54-year-old woman alleged that a male acquaintance, who had accompanied her to her residence, exposed his genitals and masturbated in her presence.

Assessment: There was no evidence that the applicant had been physically or sexually assaulted. Offences of indecent exposure or performing an indecent act are not one of those listed in the scheduled offences under the criminal injury legislation. While it was noted that the suspect was acquitted of a charge of performing an indecent act, and while it was recognized that the incident was upsetting to the applicant, it could not be concluded that she was a victim of crime within the meaning of the Act.

Violence in prison

Incident: A 31-year-old man applied in relation to an incident during which he was stabbed several times with a homemade knife by a fellow inmate while both were serving prison terms. No criminal charges were pursued against the alleged offender.

Assessment: While both prison authorities and police investigated the matter, the applicant was uncooperative and refused to provide any information regarding the motive for the attack or the identity of the assailant. In view of the lack of information concerning the event, it was considered to be equally probable that the occurrence involved a consensual fight. No award was made.

Alleged road-rage incident

Incident: The 45-year-old applicant alleged that while driving a car he became involved in a confrontation with the occupants of a second vehicle. He alleged that the second vehicle struck him as he was walking toward it after stopping his own car. No criminal charges were laid.

Assessment: There were two conflicting versions of the incident. According to an occupant of the second vehicle, it was the applicant who was the aggressor and who had jumped on the top of the second vehicle as they were driving away. The police also noted that the applicant had been involved in other previous road-rage incidents. As the applicant was at least an equal participant, if not the aggressor, in a confrontation with another motorist, he could not be considered to be a victim of crime and was not entitled to an award of compensation.

Accidental fall

Incident: A 44-year-old woman made application in regard to an injury sustained while standing at the bottom of a flight of stairs at the same time as a man fell down the stairs, knocking her to the floor. The man stood up and apologized to the applicant.

Assessment: The incident did not constitute an assault, as the alleged offender fell accidentally and had no intent to injure the applicant. While there may have been a civil claim for damages as a result of the event, there was no basis on which to grant an award of criminal injury compensation.

The aim of the CICP is and has always been to acknowledge the harm done to victims and to lighten their financial burden. To help facilitate that process, the CICP has undertaken some special projects in recent years.

Policy manual

In 1998, the CICP began, in consultation with stakeholders, to refine and enhance its policy manual.

Extensive research and consultation have culminated in an updated policy manual that incorporates a number of changes to policy, practice, and procedure. This manual has been extremely valuable in:

- Providing victims with an understanding of the award process and maintaining consistency in awards for pain and suffering
- Clarifying the *Criminal Injury Compensation Act* and how its sections apply to individual claims
- Identifying and explaining CICP procedures
- Communicating types of assistance available under the program
- Providing a reference for victim representatives and appeal bodies
- Publicizing the scope of the program to the general public and other stakeholders
- Explaining the benefits available to immediate family members

Client satisfaction survey

To measure client satisfaction, the CICP surveyed 317 randomly selected clients who received awards in 2000.

Respondents told us that:

- 68 percent were very satisfied with overall service
- 67 percent were very satisfied with the time it took to process their claim
- 79 percent said CICP staff treated them in a professional and caring way
- 60 percent said the program helped them deal with the incident for which they filed a claim

Web site

Service has been improved through the use of a CICP web site that provides general information on the program in an easy-to-read format. The web site has proved to be popular, enjoying a high number of visitors who use the site for information and to view and print copies of CICP publications and forms. The CICP web site can be found at www.criminalinjury.bc.ca.

Assisting program transition

Effective June 30, 2002, the Crime Victim Assistance Program, administered by the B.C. Ministry of Public Safety and Solicitor General, replaced the Criminal Injury Compensation Program. The CICP has continued to adjudicate applications received on or before June 29, 2002, but applications received after that date are adjudicated by the CVAP.

Adjudicating claims and awarding compensation to victims of crime is a complex responsibility. The CICP has worked closely with the Ministry to ensure as smooth a transition as possible between the two programs.

Along with the updated policy manual, the CICP's database will be a useful tool in the transition. This stand-alone system, to remain in use until October 2003, houses comprehensive statistics and reports on CICP claims, pensions, and payments.

As the transition continues, the CICP will not waver from its commitment to provide fair, compassionate, and efficient service to victims of crime.

Missing Women Project

Since 1983, more than 60 women have disappeared from Vancouver's downtown eastside. In 2001, the RCMP became involved in the case and began looking for a potential serial killer. Numerous murder charges had been laid by the end of 2002.

Through the Missing Women Project, initiated by the RCMP in December 2001, the CICP has identified family members of Vancouver's missing women as victims eligible for compensation.

It is the CICP's sincere hope that its extensive experience with sensitive and difficult cases will allow it to ease the pain and suffering of these victims in this difficult time.

As previously mentioned in this report, the new Crime Victim Assistance Program came into effect June 30, 2002. As both programs are adjudicating claims and using the same computer system, most of the reports reflect awards and decisions made by both the CICP and CVAP. For the first six months of 2002, any awards paid or decisions rendered were made under the CICP. For the second half of 2002, awards and decisions reflect both programs. Therefore, all of the facts and figures for the year reflect both programs unless specifically noted under each chart.

Compensation can be paid to an applicant in one of three ways:

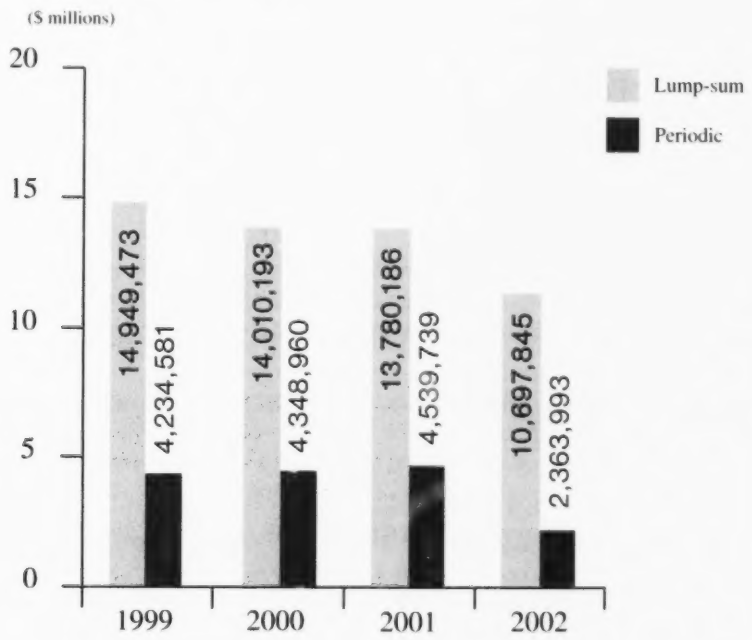
1. Lump-sum payment
2. Periodic payments
3. Combination of lump-sum and periodic payments

Awards for expenses such as funerals, replacing damaged clothes and eyeglasses, counselling, medical and dental treatments, and pain and suffering are usually paid in a lump sum. Periodic payments can be made to a victim with a permanent disability, or to the dependants of a victim who has been killed.

The maximum lump-sum payment that can be awarded for injury or death is $50,000. When an injury has caused permanent or temporary disability, the Act sets a limit on the amount of periodic payments.

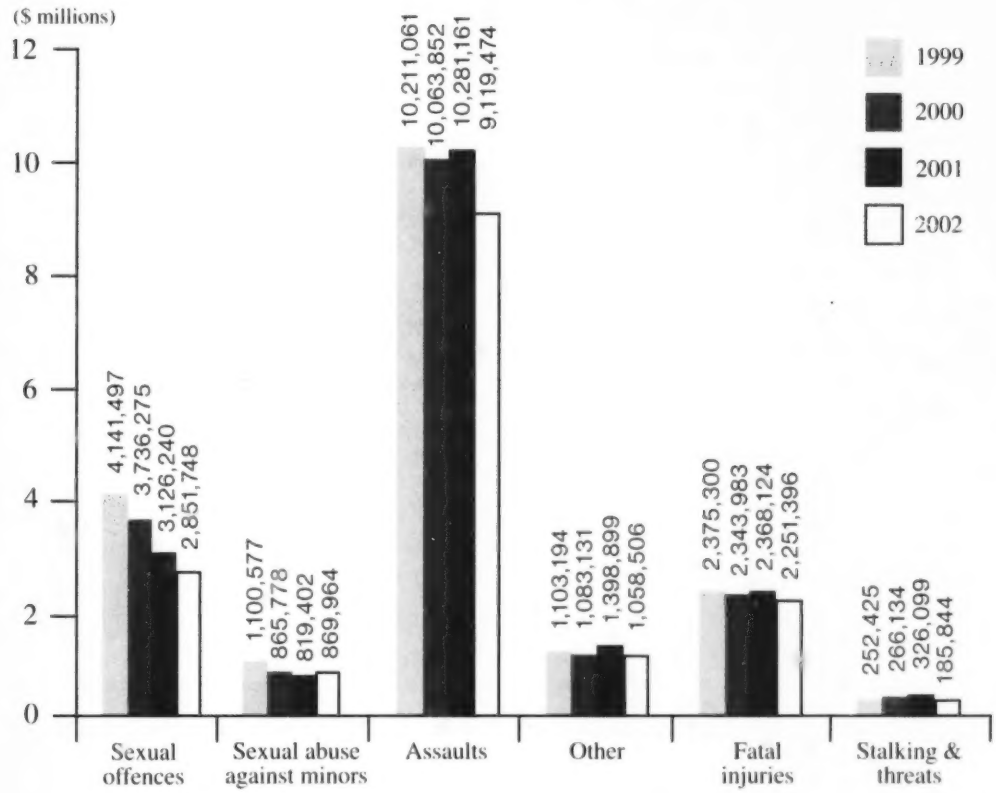
No compensation is awarded for claims under $100.

Awards shown by type of payment



Note: This chart reflects only CICP awards.

Awards paid by type of crime



Note: This chart reflects both CICP and CVAP awards.

When the legislation establishing the CICP was passed in 1972, benefits were available to victims of 39 scheduled offences. Since then, 17 new offences have been added to the list, bringing the total to 56. The most recent additions include criminal harassment (stalking) and uttering threats, which were both added in 1995.

In that same year, compensation was extended to include non-dependent immediate family members of victims killed by criminal acts. This recognizes the hardship suffered by this group – usually parents – and their need for support. Because claims involving fatalities invariably involve more applicants than do non-fatal claims, this factor continues to impact the workload of the CICP.

- In 2002, CICP awarded total compensation of $13,061,838.
- 1,247 applications were denied, and 2,472 applications were accepted in 2002 by CICP and CVAP.

The CICP paid $10,697,845 in lump-sum payments and $2,363,993 in periodic payments in 2002. This compares with 2001, when $13,780,186 was paid in lump-sum payments and $4,539,739 was paid in periodic payments.

Criminal harassment: 45 claims were adjudicated and $109,128 paid in compensation in 2002 by CICP and CVAP. Of the applicants, 44 were female and one was male.

Uttering threats: 74 claims were adjudicated and $76,716 paid in compensation by CICP and CVAP. Of the applicants, 54 were female and 20 were male.

Sexual assault/sexual abuse: 1,146 claims were awarded compensation by CICP and CVAP, totalling $3,721,712.

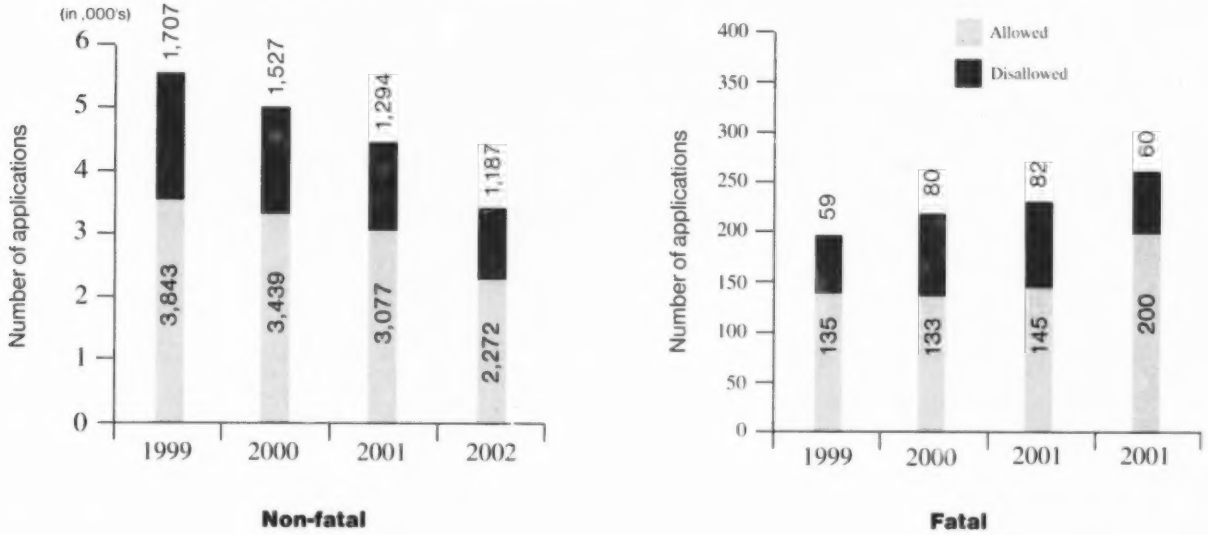
Domestic violence: 941 claims were adjudicated by CICP and CVAP, totalling $2,788,904.

The CICP recognizes that for victims and their families to recover from the trauma of their injuries or loss, they must heal physically and emotionally. Counselling plays an important role in that healing and may be provided for a victim's recovery or for family members of deceased victims. The consulting psychologists on the CICP staff help assess the type of counselling needed.

In 2002, the CICP paid $1,032,873 or 7.9 percent of its total compensation payments for counselling, compared with $1,309,941 or 7.2 percent in 2001.

In 2002, the CICP awarded 179 applicants $353,020 in compensation for criminal injuries that were also workers' compensation claims.

Outcomes of applications adjudicated



Note: This chart reflects both CICP and CVAP decisions.

Reviews and appeals

In 2002, there were approximately 1,524 reviews and 441 appeals conducted by the CICP and CVAP.

For the CICP, a review is performed by the original adjudicator to provide the applicant an opportunity to present additional information and/or documentation. It may be a document review or an oral inquiry. One of three outcomes is possible for those applicants who participate in a review. The adjudicator will make a decision that will either uphold, modify, or reverse the original one.

Most of the document reviews are on already accepted claims and result in a further award to the applicant. The review may also change the decision from a disallow to an allow and provide an award. Of the 1,443 document reviews by CICP and CVAP in 2002, 78 percent resulted in favourable decisions for the applicants. This compares with 73 percent in 2001.

Of the 81 oral inquiries held in 2002 by CICP, adjudicators modified or reversed decisions in 53 cases, or 65 percent. In 2001, 116 oral inquiries were held, and adjudicators modified or reversed decisions in 77 cases, or 66 percent.

If an applicant was dissatisfied with the outcome of a review or inquiry by the CICP, an appeal was the next option. Note, however, that applicants may have appealed to an Appeal Committee immediately after the initial decision on their case, without going through the review process.

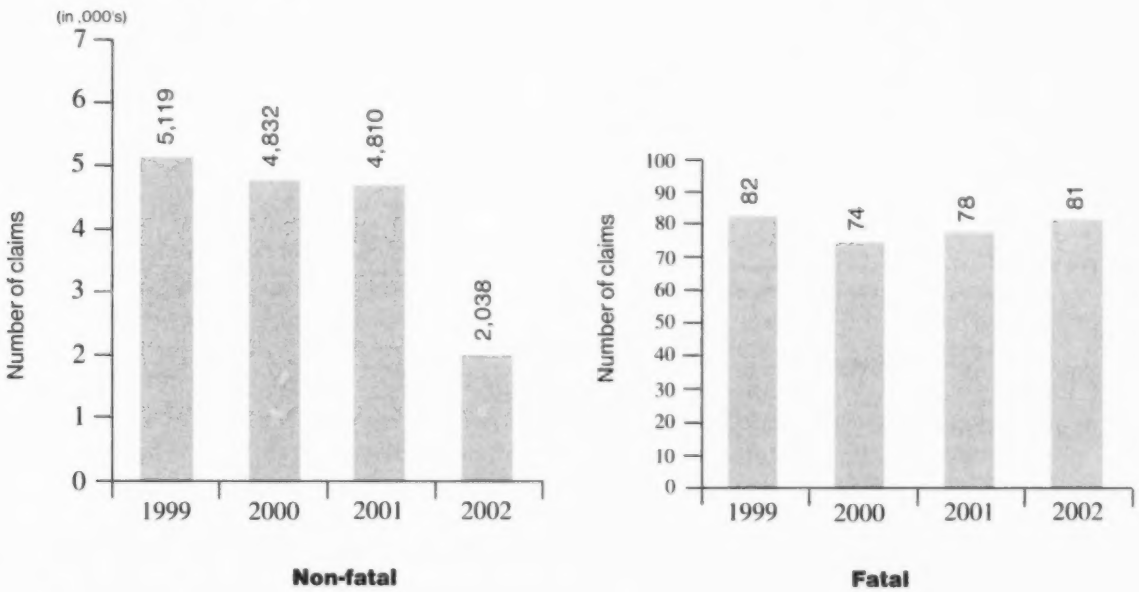
Appeal Committee hearings were held as an oral hearing, a review of documents, or both. If the Appeal Committee found merit in the evidence, it may have overturned the decision or requested another review.

If still not satisfied, the applicant may have requested his or her application be considered by the Appeal Division of the WCB. If the request to hear the case was denied, the appeal process ended, subject to reconsideration by the Appeal Division, as provided by the *Criminal Injury Compensation Act*.

Of the 395 CICP cases reviewed by Appeal Committees in 2002, 107 were allowed, 261 were denied, and 27 were withdrawn. This compares with 2001, when Appeal Committees reviewed 382 cases, of which 99 were allowed, 252 were denied, and 31 were withdrawn.

Of the 46 CICP cases considered by the Appeal Division in 2002, 18 were allowed and 28 were denied. In 2001, 60 cases were considered, with 18 allowed and 42 denied.

New claims received



Note: This chart reflects CICP new claims received up to June 29, 2002.

Crimes involved in awards granted, 1999 to 2002 (shown in $)

Crime	1999	2000	2001	2002
Abandoning child	–	–	–	3,500
Abduction in contravention of custody order	6,032	–	–	7,040
Abduction of person under 14	16,190	13,662	6,295	13,462
Abduction of person under 16	–	–	1,500	5,698
Administering noxious things	3,710	8,860	5,310	1,790
Aggravated assault	368,799	435,858	688,873	565,700
Aggravated sexual assault	12,509	19,111	21,948	15,034
Arson	42,175	30,539	5,933	23,289
Assault	6,631,381	6,327,437	6,229,124	5,640,765
Assault with weapon	1,556,445	1,649,927	1,756,985	1,302,017
Assaulting a peace officer	8,350	17,284	7,112	20,954
Assisting a peace officer	72,786	61,261	79,658	71,892
Attempted murder	1,516,125	1,491,102	1,438,329	1,436,550
Causing bodily harm by criminal negligence	240,488	188,275	381,112	243,749
Causing bodily harm with intent	129,961	142,244	160,738	153,488
Causing death by criminal negligence	46,806	46,726	43,984	36,984
Common nuisance causing harm	5,175	20,417	30,391	3,750
Criminal harassment (stalking)	105,294	112,936	209,072	109,128
Dangerous operation of vessel or towed object	44,031	45,570	45,657	45,112
Explosives where death or bodily harm results	–	725	17,542	21,296
Failure to provide necessaries	–	–	480	1,500
Impaired operation of vessel	1,482	–	–	–
Incest	29,804	60,550	34,600	44,980
Intentionally causing death or bodily harm by explosives	29,277	33,596	28,232	25,218
Interference with transportation facilities	–	–	500	–
Intimidation by violence	4,307	11,544	3,173	2,450
Invitation to sexual touching	44,828	21,538	23,080	39,024
Kidnapping	12,142	28,267	10,913	14,140
Manslaughter	233,769	205,961	177,616	174,367
Mischief causing danger to life	6,814	44,915	27,320	29,083

Crime	1999	2000	2001	2002
Murder	2,094,725	2,091,296	2,146,524	2,040,045
Overcoming resistance to commission of offence	–	900	–	–
Pointing a firearm or careless use of a firearm	178,978	157,612	229,609	185,624
Preventing a crime	4,000	15,882	16,639	3,785
Rape	22,074	19,383	17,946	23,282
Riots	3,610	–	–	–
Robbery	431,997	417,561	504,135	356,128
Sexual assault	4,006,568	3,592,420	3,016,841	2,717,243
Sexual assault with weapon, threats to third party	25,714	23,274	11,825	12,185
Sexual exploitation of young person	130,785	87,310	97,382	50,499
Sexual touching of person under 14	969,792	778,468	722,020	819,465
Taking offensive weapons and explosive substances	–	3,545	4,500	–
Uttering threats	147,131	153,198	117,027	79,716
Total	**19,184,054**	**18,359,153**	**18,319,925**	**16,339,932**

Note: This chart reflects both CICP and CVAP awards.

The Consolidated Revenue Fund of British Columbia, through the Ministry of Public Safety and Solicitor General, funds the Criminal Injury Compensation Program.

The CICP's management is responsible for the integrity of the financial statements, which are prepared in accordance with generally accepted accounting principles. Management has also established systems of internal control to ensure assets are properly accounted for and safeguarded from loss.

The Internal Audit and Evaluation Department of the WCB performs audits designed to test the adequacy and consistency of the CICP's internal controls, practices, and procedures.

Summary of actual expenditures for 1998 to 2002 (shown in $)

Claim costs	**1998**	**1999**	**2000**	**2001**	**2002**
Awards paid	18,113,352	19,184,054	18,359,153	18,319,925	13,061,838
Administration costs					
Salaries and payroll	2,526,070	2,386,474	2,524,776	2,498,686	2,068,667
Building service costs	390,156	361,697	327,659	396,180	399,866
Indirect service costs	531,432	531,432	531,432	531,432	435,432
Computer system development	209,702	224,114	482,424	257,422	188,233
Travel and investigations	578,139	616,352	574,272	617,866	526,575
Communications	53,068	39,499	63,819	62,126	51,137
Equipment	33,098	85,499	103,300	94,322	20,234
Supplies and stationery	19,023	18,584	15,390	16,498	10,230
Miscellaneous	102,019	64,455	103,937	89,754	53,431
Consulting fees	196,570	178,180	211,127	146,411	184,074
Appeal Committee hearings[1]	560,842	353,462	306,766	0	0
Appeal Division hearings	175,399	68,937	284,092	134,170	80,692
Miscellaneous recoveries[2]	(325,042)	(424,477)	(321,060)	(316,567)	(859,509)
Subtotal	5,050,476	4,504,208	5,207,934	4,528,300	3,159,062
Total expenditure	**23,163,828**	**23,688,262**	**23,567,087**	**22,848,225**	**16,220,900**

[1] *Appeal Committee costs are now included as part of other administrative costs (e.g., salaries).*

[2] *Miscellaneous recoveries include recoveries for parking and salaries of staff on secondment, and from legal action against offenders.*

Note: This chart reflects costs for CICP only.

Summary of 2002 expenditures

- Awards and expenses for CICP in 2002 totalled $16,220,900.
- Administration costs totalled $3,159,062 and awards totalled $13,061,838.

The CICP's administrative expenses include the costs of gathering information needed in adjudicating claims, such as police and medical reports. The staff oversee these administrative costs, along with award costs, by supervising payments, assessing charges, and monitoring expenses.

Compensation paid in 2002

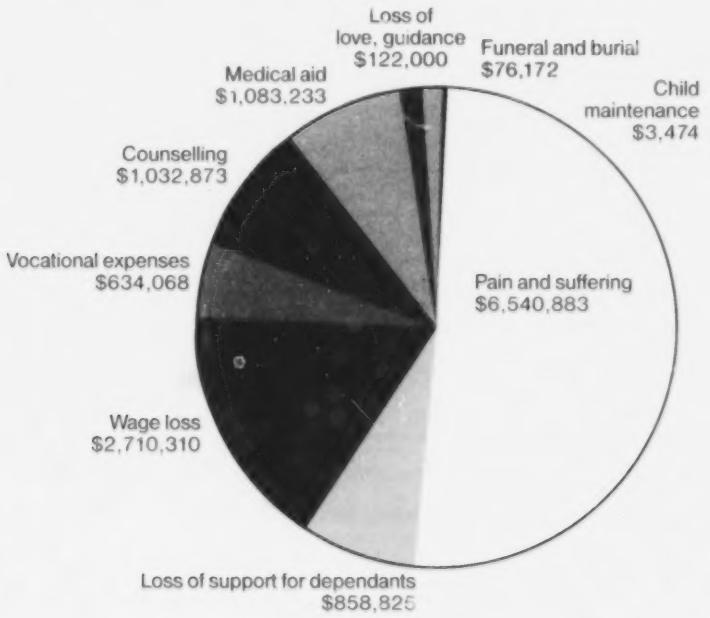
Of the $13,061,838 awarded in compensation by CICP, $6,540,883 or 50.1 percent was for pain and suffering awards, which continued to account for approximately half of all compensation paid.

Assaults and sexual offences continue to make up a large part of compensation paid by CICP and CVAP. In 2002, $9,119,474 was paid to assault victims, and $3,721,712 was paid to victims of sexual offences.

Awards paid by CICP and CVAP for claims involving stalking and uttering threats declined from $326,099 in 2001 to $185,844 in 2002.

A total of $2,251,396 in compensation was paid by CICP and CVAP to families of victims killed by criminal acts, compared with $2,368,124 in 2001.

Compensation paid in 2002 by type of award



Note: This chart reflects only CICP awards.

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